

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3133 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

=====

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

GHANSHYAM C PATEL

Versus

SECRETARY

Appearance:

MR AG VYAS for Petitioners
MR SP HASURKAR for Respondent No. 1
MR DD VYAS for Respondent No. 3
MR PS CHAMPANERI for Respondent No. 4

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 22/11/1999

ORAL JUDGEMENT

1. In the present petition the petitioners challenged the inaction of respondents i.e. Secretary, Panchayats & Health department and others in not granting payscale of Rs.260-400 prescribed for the post of Jr.Clerks by the Desai Pay Commission recommended for adoption under Resolution No.8 dated 20.6.86 by the

respondent No.4-President, Nagar Panchayat, Lakhtar, Dist.Surendranagar as unjust, arbitrary, illegal, null and void. Copy of the said resolution is produced at annexure "A" to the petition.

2. When the matter reached for hearing, Ms.Harsha Devnani, Ld.AGP instructed by Mr.Hasulkar pointed out a communication, dated 22.11.1999 addressed by the Secretary, Gram Panchayat, Lakhtar to the Deputy Secretary, Panchayats wherein it has been stated that the petitioners--Shri G.G.Patel and B.K.Vyas are the employees of Panchayat after 1978 and from 1.4.88 benefits under Desai Pay Commission have been given and after 1.4.88 and thereafter from 1.4.1993 benefits of 4th Pay Commission have been given. In view of this communication, which is taken on record, the grievance of the petitioners is substantially redressed and this petition does not survive. However, it may be stated that as regards the second petitioner-B.K.Vyas the benefit has to be restricted to till 1995 because he has expired in 1995.

3. In view of the aforesaid, petition becomes infructuous and is disposed of as having become infructuous. Rule is discharged. No costs.

...